

FIFTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, Nov. 22, 1871. }

Senate met pursuant to adjournment. President Flanagan presiding. Roll called. No quorum present.

Absent—Senators Bell, Dohoney, Hall, Mills, Parsons, Ruby and Saylor.

Absent, excused—Senators Bowers, Fountain and Latimer.

Senators Dohoney, Hall, Mills, Parsons and Ruby appeared and answered to their names.

Quorum present.

Prayer by the Chaplain.

Journal of Monday afternoon and yesterday morning read and adopted.

Senator Pettit requested that the journal of Wednesday, afternoon session, be corrected so as to show that the following amendments were adopted to Senate bill No. 529, "An act supplementary to and amendatory of an act entitled 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871," to-wit: Insert after the word "year," in second line of section two, the words "ending on the thirty-first of August, 1871;" and in line six of section two insert after the word "year" the words "ending thirty-first of August, 1872," instead of the following amendments, which appear upon the journal, viz.: Insert after the word "year," in third line, the words "December 2, ending on the thirty-first of August;" and in line six of section two insert after the word "year" the words "ending thirty-first of August."

There being no objection, the journal was ordered corrected as requested.

Message from the House by the Chief Clerk, Mr. Gallant, transmitting for signature of the President, the following enrolled House bills: No. 866, "An act to encourage the manufacture of cotton and wool in the State;" No. 171, "An act to incorporate the Hebrew Benevolent Society of Brownsville, in Brownsville, Cameron county, Texas;" No. 637, "An act for the relief of the heirs of George W. Wall, deceased;" No. 819, "An act to amend 'an act prescribing the times of holding the courts in the several judicial districts in the State,' approved August 18, 1870;" No. 769, "An act to establish a ferry across the Neches river at the Bodenhamer

crossing, county of Houston;" No. 749, "An act to incorporate the Bryan Real Estate Building and Joint Stock Association of Bryan Texas;" No. 767, "An act for the relief of Colonel Thomas William Ward;" No. 118, "An act to incorporate the Excelsior Real Estate and Building Association;" No. 595, "An act to incorporate the Houston Tannery and Leather Manufacturing Company."

Enrolled bills signed by the President in open session and returned to the House.

An informing the Senate that the House had passed with amendment Senate bill No. 508, "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871;" and without amendment the following Senate bills: Senate bill No. 544, "An act to authorize David L. Cross to construct and keep a dam across the Colorado river, for milling and manufacturing purposes;" Senate bill No. 518, "An act to authorize the County Court of Marion county to issue coupon interest-bearing bonds for the building of a court house and jail, and to levy a tax to pay for the same;" Senate bill No. 465, "An act to amend an act entitled 'an act to incorporate the Island City Real Estate and Homestead Association of Galveston;" Senate bill No. 446, "An act to authorize the County Court of Galveston county to issue interest-bearing bonds for the purpose of funding the present outstanding indebtedness of said county;" Senate bill No. 443, "An act explanatory of the tax laws of the State of Texas, and to avoid double taxation."

And informing the Senate that the House had added to conference committee on House bill No. 177, Messrs. McLean and B. F. Williams.

Also, transmitting for concurrence House joint resolution No. 35, "Joint resolution to repeal section forty-six of article twelve of the State Constitution, and to adopt a section in lieu thereof.

Under direction of the President, the Secretary returned to the House the following House bills, passed by the Senate: No. 273, "An act making an appropriation for printing five hundred copies of the rules reported for the Supreme and District Courts, and five hundred copies of the circular letter of the clerk of the Supreme Court;" No. 492, "An act to authorize W. H. McVey to erect a toll bridge over Red Oak creek in Ellis county, on the road leading from Lancaster, in Dallas county, to Chatfield Point and Corsicana in Navarro county;" No. 798, "An act to incorporate the Victoria Society, of Washington county;" No. 833, "An act to incorporate the Round Mountain Educational Company of Blanco county."

Also, with amendment, House bill No. 446, "An act to muster into service minute men for the protection of the frontier."

Also, transmitting for concurrence of the House the following Senate bills: Senate bill No. 481, "An act to incorporate the Library Building Association, of Galveston;" Senate bill No. 513, "An act to reorganize the town of Bryan, in Brazos county, Texas, and to incorporate said town as the city of Bryan;" Senate bill No. 548, "An act to authorize the county of Calhoun to improve the channel from the Gulf into Matagorda Bay, and to create a bonded debt for that purpose;" Senate bill No. 560, "An act to incorporate the Santa Gertrude Mining and Manufacturing Company;" Senate bill No. 565, "An act further prescribing the time of holding the term of the District Court in the Eighth Judicial District."

Also, informing the House that the Senate adheres to its amendments to House bill No. 114, "An act to incorporate the Jefferson City Street Railway Company," and have appointed a committee of conference, consisting of Senators Pyle, Saylor and Gaines.

President Flanagan submitted the following communication, which was read and received.

OFFICE OF THE STATE JOURNAL, }
Austin, Texas, Nov. 22, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: The Secretary of your honorable body has served upon the public printer, a resolution requiring the proceedings of the Senate to be printed and furnished daily of both sessions.

I regret to be compelled to state that this is impossible. The proceedings are so voluminous that two papers the size of the State Journal would not contain them; while the time allowed for putting them in type (about twelve hours) is not sufficient with all the force that can be obtained.

Respectfully, your obedient servant,

J. G. TRACY, State Printer.

The President appointed as a conference committee, to confer with a like committee on the part of the House, on Senate amendments to House bill No. 114, "An act to incorporate the Jefferson City Street Railway Company," Senators Pyle, Saylor and Gaines.

PETITIONS AND MEMORIALS.

By Senator Tendick: a memorial of John A. Ragan, asking the privilege of constructing canals, etc. Read and referred to the Committee on State Affairs.

BILLS AND RESOLUTIONS.

By Senator Gaines: a bill (Senate bill No. 578) to be entitled "An act to incorporate the Dollar Savings Bank, of Brenham." Read first time and referred to the Committee on State Affairs.

UNFINISHED BUSINESS.

Substitute Senate bill No. 456, "An act to make a new apportionment for Representative and Senatorial Districts of the State of Texas."

Senator Dillard moved a call of the Senate. Call sustained.

Absent, unexcused—Senators Broughton and Saylor.

The absentees having appeared the call was suspended.

Consideration of substitute Senate bill No. 456:

Senator Shannon offered the following amendment, which was adopted: Amend section twenty-two by striking out of line eighteen the counties of "Parker and Palo Pinto," and attaching them to the "Twenty-first District."

Senator Dillard offered the following amendment: Amend by striking out "Henderson county," from Third District, and placing it in the "Sixth District."

Senator Ruby moved to reject the amendment.

Yeas and nays called for, and the amendment rejected by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pyle, Rawson, Ruby, Saylor, Tendick—16.

Nays—Broughton, Dillard, Dohoney, Douglas, Evans, Pickett, Pridgen, Shannon, Swift—9.

11 o'CLOCK A. M.

SPECIAL ORDER,

Viz: Senate bill No. 519, "An act to aid the available school fund in placing on a sound and durable foundation, and maintaining a system of public free schools, and to authorize the negotiation of a loan for that purpose."

On motion of Senator Ruby, the special order was postponed until the matter pending should be disposed of.

Consideration of substitute Senate bill No. 456 resumed:

Senator Pridgen offered the following amendment, which was adopted: Amend by adding in line two, section twenty-three, after the word "Refugio," the word "Aransas."

The question then being upon the engrossment of the bill, Senator Bell moved the previous question. Previous question seconded.

The question being "Shall the main question now be put?" the yeas and nays were called for and the main question ordered by the following vote:

Yeas—Mr. President, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Rawson, Ruby, Saylor, Tendick—14.

Nays—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pettit, Pickett, Pyle, Shannon, Swift—11.

The main question was then put, viz: "Shall the bill be engrossed?"

The yeas and nays were called for, and substitute Senate bill No. 456 ordered engrossed by the following vote:

Yeas—Mr. President, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—13.

Nays—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Pridgen, Pyle, Shannon, Swift—11.

Senator Ruby submitted the following report of the Committee on Engrossed Bills.

COMMITTEE ROOM,
Austin, Nov. 22, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following Senate bills to-wit: Senate joint resolution No. 46, "Joint resolution prescribing the duties of the Inspector of the State penitentiary;" Senate bill No. 461, "An act making appropriations for deficiencies for the support of the State government for the fiscal year beginning September 1, 1871; and ending August 31, 1872;" Senate bill No. 572, "An act for the relief of Luke A. Falvel;" Senate bill No. 529, "An act supplementary to and amendatory of an act entitled 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871."

G. T. RUBY, Chairman.

Report read and received.

Under direction of the President, the Secretary carried to the House for concurrence Senate bill No. 572.

Consideration of postponed special order Senate bill No. 519 resumed:

Senator Gaines moved a call of the Senate. Call sustained.

Absent—none.

Absent, excused—Senators Bowers, Fountain and Latimer.

Call suspended.

Question being on the final passage of the bill, Senator Pickett moved that the bill be indefinitely postponed.

12 o'clock M.

Pending discussion the hour arrived for the special order, House bill No. 653, "An act to punish certain offenses committed on Sunday."

On motion of Senator Pyle; the special order was postponed until the matter pending was disposed of.

Consideration of Senate bill No. 519 resumed:

Pending discussion on the motion indefinitely to postpone,

On motion of Senator Parsons, the Senate at 12:30 P. M. adjourned to 3 P. M.

AFTERNOON SESSION.

3 o'clock P. M.

Senate met pursuant to adjournment. President Flanagan presiding. Roll called. No quorum present.

Absent, not excused---Senators Douglas, Hillebrand, Mills, Parsons, Pickett, Pridgen, Ruby, Saylor and Tendick.

Absent, excused---Senators Bowers, Fountain and Latimer.

The absent Senators appearing and answering to their names, a quorum was present.

Special order, Senate bill No. 554.

Senator Cole moved a call of the Senate. Call sustained.

Absent, not excused---Senator Douglas, Hall, Mills, Ruby and Tendick.

Senate bill No. 554 was laid over under the rules until there should be a full Senate.

On motion of Senator Shannon the rules were suspended to take from file House bill No. 99, "An act to incorporate the Cleburne, and Cross Timber Railway Company." Read third time.

On motion of Senator Shannon the following amendments were adopted: Amend section two by striking out all of said section after the word "direction," in line eleven, and insert the following: "with the privilege of connecting with the Southern Pacific or Trans-Continental Railroad;" also, amend in line eight, after the word "Ellis," insert "by way of the town of Waxahachie, in said county."

On motion of Senator Shannon, House bill No. 99 passed as amended.

On motion of Senator Swift, the rules were suspended to take from file House bill No. 940, "An act to authorize a special term of the District Court within and for the county of Houston, Third Judicial District, State of Texas." Read first time and passed to a second reading.

On motion of Senator Dillard, the rules were further suspended and House bill No. 490 read second time and passed to a third reading.

On motion of Senator Shannon, the rules were further suspended and House bill No. 490 read third time and passed.

By leave, Senator Ford submitted the following report of the Committee on State Affairs:

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 505, entitled "An act to incorporate the Galveston Paving Company," have carefully considered the same and report it back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

Report read and laid over under the rules.

On motion of Senator Flanagan, the rules were suspended and Senate bill No. 505 read second time, ordered engrossed and passed to a third reading.

On motion of Senator Saylor, the rules were further suspended and Senate bill No. 505 read third time and passed.

On motion of Senator Baker, the rules were suspended to take from file House bill No. 383, "An act to empower the sheriffs of the several counties of the State to make conveyance to purchasers of lands sold for taxes under an act approved November 10, A. D. 1866, entitled 'an act for the assessment and collection of taxes.'" Read first time and referred to the Committee on Judiciary.

On motion of Senator Bell, the rules were suspended to take from file House bill No. 552, "An act further regulating juries," which was read second time.

On motion of Senator Pickett, House bill No. 552 was recommitted to the Committee on Judiciary.

Under direction of the President, the Secretary carried to the House for the signature of the Speaker the following enrolled Senate bills: No. 153, "An act to amend 'an act prescribing the times of holding the district courts in the several judicial districts of the State,' approved August 18, 1870;" No. 154, "An act to amend

an act entitled 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870;" No. 439, "An act to exempt certain persons from serving on juries;" No. 542, "An act appropriating seventeen thousand dollars for the better protection of the public buildings and archives of the State;" No. 487, "An act authorizing S. A. Cook to erect and keep a toll bridge across Mineral Bayou, in Grayson county."

Message from the House by Chief Clerk, transmitting for concurrence the following House bills: No. 938, "An act amendatory of section two of 'an act for ceding to the United States jurisdiction of certain lands in this State for public purposes,' approved December 19, 1849;" No. 768, "An act to legalize the action of the County Court of Cameron county in issuing fifteen thousand dollars of bonds of said county, bearing an annual interest of eight per cent., to cancel indebtedness of said county;" No. 648, "An act making an appropriation for certain purposes;" No. 853, "An act for the relief of persons who have lost certain property after assessment from paying taxes thereon;" No. 856, "An act to incorporate the Galveston Saving Bank and Trust Company;" No. 897 "An act to release to the county of Houston the State tax for the year 1871 for the completion of a court house and jail in said county;" No. 925, "An act amendatory to an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858;" No. 930, "An act for the relief of the sheriffs;" No. 931, "An act amendatory of section five of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22 1871;" No. 932, "An act to amend section one and repeal section six of 'an act to authorize county courts to levy a road tax, and to improve roads and bridges,' passed August 4, 1870."

And informing the Senate that the House had passed Senate bills as follows: No. 158, "An act to incorporate the Houston Cooperage and Manufacturing Company," and No. 292, "An act to incorporate the Southwestern Express and Transportation Company."

The Senate being full, the consideration of Senate bill No. 554 was resumed.

Senator Broughton offered the following amendment: Amend section one, line sixty, after the words "Paris, in Lamar county," and before the words "to the point of junction," by inserting "and the town of Denton, in Denton county."

Senator Parsons moved to lay the amendment on the table.

Yeas and nays called for, and the amendment laid on the table the following vote:

Yeas—Mr. President, Baker, Bell, Cole, Ford, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Tendick—15.

Nays—Broughton, Dillard, Dohoney, Douglas, Evans, Hertzberg, Hillebrand, Latimer, Pickett, Saylor, Shannon, Swift—12.

Senator Broughton offered the following amendment: Amendment to section one, line sixty-three—After the word "Company," and before the word "and," insert "And the said company shall not construct any road south of the said Memphis, El Paso and Pacific survey until they shall reach the town of Denton, in Denton county."

Senator Parsons moved to lay the amendment on the table.

Yeas and nays called for, and the amendment laid on the table by the following vote:

Yeas—Mr. President, Baker, Bell, Cole, Ford, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Tendick—15.

Nays—Broughton, Dillard, Dohoney, Douglas, Evans, Hertzberg, Hillebrand, Latimer, Pickett, Saylor, Shannon, Swift—12.

The question being upon the final passage of the bill, Senator Parsons moved the previous question. Previous question seconded.

The question then being, "Shall the main question be now put?" the yeas and nays were called for, and the main question ordered by the following vote:

Yeas—Mr. President, Baker, Bell, Cole, Ford, Gaines, Hall, Latimer, Mills, Parsons, Pyle, Rawson, Ruby, Saylor, Tendick—15.

Nays—Broughton, Dillard, Dohoney, Douglas, Evans, Hertzberg, Hillebrand, Pettit, Pickett, Pridgen, Shannon, Swift—12.

The main question, viz.: "Shall the bill now pass?" was then put.

Yeas and nays called for, and Senate bill No. 554 passed by the following vote:

Yeas—Mr. President, Baker, Bell, Cole, Dohoney, Evans, Ford, Gaines, Hall, Latimer, Mills, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—19.

Nays—Broughton, Dillard, Douglas, Hertzberg, Hillebrand, Pettit, Pickett, Swift—8.

By leave, Senator Ruby submitted the following resolution, which was adopted:

Resolved, That the Secretary of the Senate, C. M. Campbell, be and he is hereby authorized to draw and receipt for the warrants for *per diem* pay of the late Lieutenant Governor Don Campbell.

On motion of Senator Parsons, the Senate at 5 P. M. adjourned to 10:30 A. M. to-morrow.